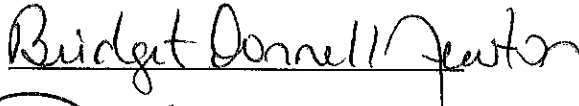
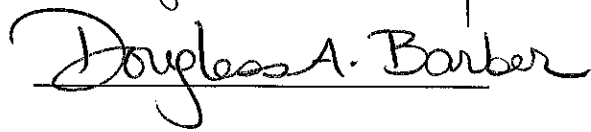


Approved: Meeting No. 08-14

Attest:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

January 27, 2014
Meeting No. 03-14
7:00 p.m.

Executive Session Summary for January 13, 2014

Executive Session pursuant to the State Government Article of the Annotated Code of Maryland, Section 10-508(a)(7) to consult with counsel to obtain legal advice regarding "Engage Rockville," the Open Meetings Act, and ex parte communications.

The Mayor and Council met in Executive Session on Monday, January 13, 2014, at 6:30 p.m. in the Diamondback Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Councilmember Moore made the motion to convene in Executive Session, seconded by Councilmember Feinberg, and passed unanimously.

Present:

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, and Councilmember Virginia Onley. Also present were City Manager Barbara Matthews, City Attorney Debra Daniel, City Clerk/Treasurer Doug Barber, Community Planning Development Services (CPDS) Director Susan Swift, and CPDS Assistant Director Andrew Gunning.

Absent: Councilmember Julie Palakovich Carr.

The topic of discussion was Engage Rockville, the Open Meetings Act, and ex parte communications.

The Executive Session adjourned at 6:49 p.m.

Mayor and Council Meeting – January 27, 2014

Present:

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, and Councilmember Virginia Onley.

Absent: Councilmember Julie Palakovich Carr.

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:02 p.m. on Monday, January 27, 2014, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber noted there were no corrections.

4. City Manager's Report

City Manager Matthews reported on the following:

- The City of Rockville held its 42nd Annual Martin Luther King Jr. Day celebration on Monday, January 20, 2014, at Richard Montgomery High School.
- The public component of the 18th Annual Maryland State Police Polar Bear Plunge, which benefits Special Olympics Maryland, scheduled to take place on Saturday, January 25, 2014, was postponed due to inclement weather. However, the Friday, January 24, 2014, law enforcement officer plunge took place. Five members of the Rockville Police Department staff, including Chief Treschuk and K-9 Boomer, participated in the police plunge.
- The Montgomery County staff will brief the County Executive and Chief Administrative Officer on proposals submitted on the reuse of 175 Watts Branch Parkway during the week of January 27. The City of Rockville submitted a proposal to Montgomery County for the reuse of the property as parkland. City Manager Matthews will keep the Mayor and Council informed.
- A community meeting will be held on Thursday, January 20, 2014. At the meeting, Century Engineering and City staff will present revised plans for the Horizon Hill Stormwater Management Project and get additional community feedback on the modifications that were made.
- The City's Mobile Now program has been expanded to include over 600 meters in Rockville Town Center and in the residential neighborhoods near the Rockville and Twinbrook Metro stations.

- The 2014 Rockville Business Academy will be held on Tuesday, February 4th and February 11th from 8:00 a.m. to 10:30 a.m. in the Mayor and Council Chambers at City Hall.
- The City of Rockville's Environmental Excellence Awards recognize individuals and organizations that contribute to Rockville's environmental health and sustainability. For more information and award guidelines, email environment@rockvillemd.gov.
- It has been the tradition for the past five years for the City to hold a Lunar New Year Celebration. This year, rather than holding a single event, the City will celebrate Asian Pacific American Month in May. Featured events will include an Asian film festival and Asian performances at Hometown Holidays on both weekend days of the festival.

5. Appointments/Reappointments and Announcements of Vacancies

Mayor Newton announced that there are vacancies on the following Boards and/or Commissions: Cultural Arts Commission, Historic District Commission, Recreation and Parks Advisory Board, Recreation and Parks Foundation, Inc., Rockville Housing Enterprises, Rockville Sister City Corporation, Senior Citizens Commission, Traffic and Transportation Commission, Environment Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Human Services Advisory Commission, Personnel Appeals Board, Rockville Economic Development, Inc.(REDI), and the Ethics Commission.

6. Appointment of Councilmember Beryl L. Feinberg as the Mayor and Council Representative to the Retirement Board

Motion: to appoint Councilmember Beryl L. Feinberg as the Mayor and Council representative to the Rockville Retirement Board from January 27, 2014, to November 15, 2015 concurrent with her term of office.

Moved by Councilmember Onley seconded by Councilmember Moore, and passed unanimously.

7. Presentation – Rockville Chamber of Commerce Quarterly Update

Ms. Robin Parks, a member of the Rockville Chamber of Commerce Board, provided the Mayor and Council with the quarterly update. Ms. Parks provided an update on the 2014 Rockville Rewards Program. Ms. Parks noted the following upcoming events: Public Safety Awards scheduled for Wednesday, June 11, 2014, to be held at the Lakewood Country Club and the Taste of Rockville scheduled to be held in conjunction with Hometown Holidays during the Memorial Day weekend.

8. Presentation – Recognition of Major Donors and Partners of the City of Rockville's Holiday Drive

Carlos Aparcio, Community Services Manager, presented the agenda item to the Mayor and Council. He stated that, as a result of contributions from 140 individuals, businesses and community organizations, more than \$55,000 in food, cash, toys and gift cards was raised for the 2013 Rockville Holiday Drive. The Mayor and Council thanked the following participants for their contributions:

**2013 Holiday Drive Donors and Partners
Receiving Certificates and Plaques**

Donors Receiving Certificates

Federation of American Societies for Experimental Biology (FASEB) OSMC/SRC

Montgomery County Police Department

Rockville Moms Club

Mr. and Mrs. Martin and Vivian Blumberg

Mr. and Mrs. Edward Z. and Esther C. Dager

Ms. Gynny Katon

Mr. and Mrs. Wilbur and Kathleen Morrison

Mr. Arthur W. Stigile

Ms. Meredith Zanni

Mr. Timothy Stranges and Ms. Rosanna Coffey

Ms. Caryl McNeilly and Mr. Robert Williamson

Mr. and Mrs. Ron and Marcia Rehm

Mr. and Mrs. Michael and Maureen Tomasulo

Ms. Phyllis Silver

Astor & Sanders Corporation

Collingswood Nursing & Rehabilitation Center and Potomac Valley Nursing & Wellness Center

Early Childhood Center Preschool

FORMost Graphic Communication

Glenmont Heating & Air

Rockville Presbyterian Church

Total Wine & More

The Honorable John F. Hall

Mr. Robert O. Harger

Mr. Thomas Lynch
Ms. Jennifer Martella
Mr. and Mrs. Thomas and Carol Moran
Community Pool Services, Inc.
Mr. and Mrs. Richard and Donna Duffield
Ms. Julie Foster
Mr. and Mrs. Joel and Erica Shingara
Mr. and Mrs. Andrew and Dian Jose
E. Cohen and Company, CPAs
Embrace Home Loans
Mr. George Kelejian
EagleStone Wealth Advisors, Inc.
Curves
Knights of Columbus, Montgomery Council No. 2323
The Bargain Box
Avendra, LLC
BioReliance
DanSources Technical Services, Inc.
ESAC, Inc.
Novavax, Inc.
Urban Bar-B-Que Company
(c) Management, Inc.
Bakery de France
Merril Lynch
Ms. Harriet Guttenberg
Apex Home Loans

Creative Computing Solutions, Inc. (CCSi)

Westat

Realty Capital Partners LLC

Squire, Lemkin + Company LLP

St. John Lutheran Church

The Honorable Bridget Newton and Fred Newton

The Honorable Julie Palakovich Carr

The Honorable Beryl Feinberg

Partners Receiving Certificates

College Gardens Elementary School

The Franklin Schools

Rockville Church of Christ

Earle B. Wood Middle School

CAS & Associates, Inc.

Ms. Joan Bardach

Mr. and Mrs. Jason and Elena Waskey

King Farm Group

Mrs. Margaret Dickerson

Mr. Christopher Kelly

MANNA Food Center

Distinguished Donors Receiving Plaques

Woodmont County Club

Fortigent

Kirlin Mid-Atlantic, LLC

Sanberger, Inc.

Shulman, Rogers, Gandal, Pordy & Ecker

Mr. Carl E. Peterson and Ms. Suzanne M. Underwald

The EMMES Corporation

IQ Solutions, Inc.

Shady Grove Adventist Hospital

Partners Receiving Plaques

Richard Montgomery High School

St. Mary's Church

Maryvale Elementary School

IMAAM

Montrose Baptist Church

Toys for Tots

Beall Elementary School

Rockville High School

Julius West Middle School

Robert Frost Middle School

St. Mary's School

9. Community Forum (formerly known as Citizen's Forum)

Citizen

Issue

Bob Eckman

Rockville Science Day 25th Anniversary–
Saturday, April 6, 2014

Ruth Hanessian

Science Café Upcoming Events; Rockville
Science Day 25th Anniversary– Saturday,
April 6, 2014; April 4, 2014 presentation at
Montgomery College by Kate Campbell
Stevenson titled "Women Back to the
Future" sponsored by the (STEM) program;
requested funding from the Mayor and
Council for a memorial bag for the 25th
Anniversary of Science Day

Brigitta Mullican

Update on Rockville Sister City Corporation

Eileen McGuckian

Update on Peerless Rockville; she noted
2014 is Peerless Rockville's 40th
Anniversary

10. Mayor and Council's Response to Community Forum and Announcements

Councilmember Moore thanked all for attending the meeting. He stated his support for Science Day in Rockville, noting it is a great event. Councilmember Moore also thanked Eileen McGuckian for her support to Peerless Rockville during their time of transition and search for a new Executive Director.

Councilmember Feinberg addressed the appropriation request for funding of a memorial bag for the 25th Anniversary of Science Day mentioned by Ruth Hanessian. City Manager Matthews provided clarification on how the City handles these requests.

Councilmember Onley thanked all for attending the meeting. Councilmember Onley noted she is the liaison to the Rockville Sister City Corporation, and is now a member.

Mayor Newton asked that Ms. Hanessian submit her request in writing for additional funding for Rockville Science Day to the Mayor and Council for their consideration.

11. Mayor and Council Reports

Councilmember Feinberg and Councilmember Onley noted their attendance at the Martin Luther King Day celebration on Monday, January 20, 2014. They both thanked the staff involved for making it a memorable event for the City of Rockville.

Councilmember Moore noted the he and Mayor Newton attended the VisArts event honoring Bob Buchanan on Saturday, January 18, 2014.

12. Consent Agenda

A. To authorize the City Manager to enter into a contract for Financial Advisory Services with PFM Group for comprehensive financial advisory and post issuance arbitrage calculation services for an initial period of five years.

B. Approval of Minutes

The following meeting minutes were presented for approval:

Meeting No. 29-13 (October 14, 2013)

Meeting No. 34-14 (November 25, 2013)

The meeting minutes listed above were approved as corrected by Mayor Newton and Councilmember Moore.

Motion: to approve the Consent Agenda.

Moved by Councilmember Moore, seconded by Councilmember Feinberg, and passed unanimously.

13. Public Hearing (and possible Discussion and Instructions) on Zoning Text Amendment TXT2014-00237, to Add a New Parking Standard for a Self-Storage Warehouse Facility; Siena Corporation, Applicant.

The Mayor and Council convened the Public Hearing on the Zoning Text Amendment TXT2014-00237, to add a new parking standard for a self-storage warehouse facility) at 7:55 p.m. Mayor Newton verified with the City Clerk that the Public Hearing had been properly advertised. The Mayor and Council were provided with the staff report by Zoning Administrator Deane Mellander. There was no one who wished to speak on this item. Mr. Bob Dalrymple, an attorney with Linowes and Blocher, responded to a question of clarification asked by the Mayor and Council. Mayor Newton declared the Public Hearing and the record closed at 8:01 p.m. A complete transcript of the Public Hearing can be found in the official file in the Office of the City Clerk.

The Mayor and Council provided discussion and instructions to staff by directing them to prepare an ordinance with the language discussed and presented on the issue. The ordinance will be prepared for introduction to be considered by the Mayor and Council at a future meeting.

14. Presentation – Briefing by Mr. Charles Lattucca, Rapid Transit System Development Manager, Montgomery County Department of Transportation, on the County's Rapid Transit System Plans and Implementation

Mr. Chales Lattuccca, Rapid Transit System Development Manager, with the Montgomery County Department of Transportation, provided the Mayor and Council with a briefing on the Countywide Transit Corridors.

Mr. Lattucca stated that a Bus Rapid Transit (BRT) system is needed for the following reasons:

- Washington, D.C. region is rated among the most congested in the nation
- By 2040:
 - County's population increases by 21%
 - Employment Grows by 39%
 - Lanes Miles of Congestion Rises by 70%
- As the County urbanizes, commuter vehicle trips will outpace the growth of transit trips

The solution to these issues is the BRT. The BRT is a flexible, high capacity, transit option that is competitive with passenger vehicle speeds and costs less than half the price of building a light rail system.

Mr. Lattucca provided an overview of the key elements of a BRT System:

- Dedicated Lanes
- Off Board Fare Collection
- Specialized Vehicles
- Greater Distance Between Stops (1/2 mile or more)
- Integration With Other Public Transportation
- Platform Boarding
- Transit Signal Priority
- Real Time Traveler Information Systems
- Branding and Marketing
- Bicycle Sharing Integration

Mr. Lattucca noted the following key points that were included in the Countywide Transit Corridors Functional Master Plan for Bus Rapid Transit adopted by the County Council on November 26, 2013:

- Provides for the creation of a 102 mile, 10 corridor, BRT network (including Corridor Cities Transitway)
- Buses would operate in dedicated lanes (79%) and mixed traffic lane (21%)
- The Plan does not endorse specific bus lane treatments such as dedicated median or curb lanes
- Bus lane treatments will be selected through the facility planning process.

Mr. Lattucca provided area view maps that included the proposed corridor routes. He noted that planning of the BRT system is currently funded. Mr. Lattucca and Community Planning Development Services Assistant Director Andrew Gunning noted that the Montgomery County Department of Transportation has created a new working relationship with the City. The City is being invited to the meetings and has been asked to participate on the County Executive's Rapid Transit Steering Committee. Mr. Lattucca and Mr. Gunning closed by responding to questions and comments posed by the Mayor and Council on the proposed BRT plan and the process being followed to obtain citizens input.

15. Introduction and Adoption of an Ordinance to Levy Special Assessments for Driveway Aprons Constructed in Fiscal Year 2013, Project 0C11

Director of Finance Gavin Cohen provided the staff report for this agenda item.

Motion: to introduce an Ordinance to levy special assessments for driveway aprons constructed in fiscal year 2013, project 0C11.

Moved by Councilmember Feinberg, seconded by Councilmember Moore, and passed with Councilmember Feinberg, Councilmember Moore, and Councilmember Onley voting in favor. Mayor Newton abstained due to previous agreement by Council not to second "Introductions". The vote was 3-0-1.

Motion: to waive the layover period for the adoption of an Ordinance to levy special assessments for driveway aprons constructed in Fiscal Year 2013, Project 0C11.

Moved by Councilmember Moore, seconded by Councilmember Feinberg, and passed unanimously.

Motion: to adopt an Ordinance to levy special assessments for driveway aprons constructed in fiscal year 2013, project 0C11.

Moved by Councilmember Feinberg, seconded by Councilmember Onley, and passed unanimously.

16. Discussion – Regulation of Emergency Generators

Deane Mellander, Zoning Administrator provided the staff report for this agenda item. Mr. Mellander addressed the Mayor and Council's request to have staff obtain additional information regarding regulations on the location and noise requirements on emergency generators.

Mr. Mellander noted the Mayor and Council's discussion of the issue in connection with the review of Text Amendment TXT2014-00236 on January 6, 2014. Staff developed the following possible options for the Mayor and Council to discuss and consider:

- Option # 1 – If not a corner lot, allow generator to encroach 5 feet into the side yard setbacks (which is closer to the property line)
- Option # 2 – If not a corner lot, require generators to meet the side yard setbacks
- Option # 3 – Require generators to be located in the rear yard, meeting the rear yard setback or encroaching 5 feet into the rear yard setback
- For all corner lots, require placement of the generator on the side of the house facing the "side" street, and allow a 5 foot encroachment into the setback.

The Mayor and Council discussed the proposed options at length.

Mr. Mellander noted the previous discussion by the Mayor and Council on January 6, 2014, regarding the noise from generators. The City of Rockville does not have a noise ordinance, and is subject to the County's Noise Ordinance. Mr. Mellander stated his concerns with creating a standard that the City does not enforce.

Mr. Mellander discussed the noise restriction and stated that the Mayor and Council may want to consider adding additional language in Chapter 13, Section 13-54 (a) to address the issue. Mr. Mellander noted that language could be added to require that generators have acoustic shielding and comply with any applicable noise ordinance.

Councilmember Moore requested clarification as to whether it was appropriate for the City to refer to a County law standard in the City's Code, as the City does not enforce the requirements.

Community Planning Development Services Director Swift provided clarification as to when testing is done and the specific time requirements. She also addressed the comments made regarding requiring acoustic coverings for generators that are provided for in the County's law and are enforced by the County.

Mayor Newton suggested that the City could require generator coverings when a permit is requested.

Councilmember Onley commented that what would work in some situations would not work in others. The City would have to wait and see if it received complaints.

Mayor Newton stated that in creating the proposed standards for emergency generators, her objective was to take away the complaint driven process and to put the onus on the homeowner/contractor that is putting in the generator (device).

Councilmember Moore noted that the Police Department does not have noise monitoring equipment and questioned whether the proposed ordinance should pass off any kind of noise measurement to the County.

The Mayor and Council discussed and provided clarification to Mr. Mellander to move forward with the proposed ordinance.

Councilmember Moore noted for the record that he does not support option # 2.

Mayor Newton requested that generators be treated as a separate issue. She asked for the sense of the Council. The consensus was to handle the issues separately.

Mr. Mellander confirmed with the Mayor and Council that he understood their direction on the matter and will work with the City Attorney's Office on revised language to bring back to the Mayor and Council for their consideration at a future meeting.

17. Review and Comment Regarding Mayor and Council Action Report

Councilmember Moore requested that the City Manager add the List Serv Project to the Action Report.

18. Review and Comment Regarding Future Agendas

Mayor Newton noted the following changes to the tentative agenda for February 3, 2014 and future agendas as follows:

- Adding proclamation acknowledging February 2014 as Black History Month in the City of Rockville
- Moderately Priced Dwelling Unit (MPDU) item is being moved to the meeting of February 24, 2014 (requested by staff)
- Adding the King Farm Farmstead Update item to an upcoming agenda

The Mayor and Council discussed and agreed upon adding an additional public hearing on the budget to the proposed FY15 Budget Calendar. The agreed upon date for the additional public hearing was Monday, April 28, 2014.

Councilmember Feinberg requested that the City explore a possible partnership with the County on Project Search, a workforce development program for people with disabilities.

19. Old/New Business

The City of Rockville Board of Supervisors of Election will hold the second 2013 Election Wrap-Up Session on Thursday, February 6, 2013, at 7:00 p.m. in the Mayor and Council Chambers at City Hall.

Mayor Newton noted the upcoming Mayor and Council Retreat scheduled for Friday, January 31, 2014 and Saturday, February 1, 2014.

20. Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

Motion: to adjourn.

Moved by Councilmember Feinberg seconded by Councilmember Moore, and passed unanimously.